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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,929	01/16/2004	Jerome H. Simon	04870-P32 US	6523
26486 7590 03/27/2008 BURNS & LEVINSON, LLP 125 SUMMER STREET BOSTON, MA 02110				
EXAMINER				
LEE, Y'MY QUACH				
ART UNIT		PAPER NUMBER		
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03/27/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/758,929

Applicant(s)

SIMON, JEROME H.

Examiner

Y M. Lee

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-27 and 30-35 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 19, 23, 31 and 32 is/are rejected.
7) ☒ Claim(s) 20-22, 24-27, 30 and 33-35 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 23 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION***Continued Examination Under 37 CFR 1.114***

1. On March 17, Applicant's representative, Mr. Harvey Kaye, called to inquire as to why a request for continued examination under 37 CFR 1.114 filed on March 3, 2008 was improper and not entered. He informed that the office action of November 1, 2007 that he received was a final rejection and therefore a request for continued examination under 37 CFR 1.114 was filed on March 3, 2008. Upon reviewing the filed record and the office action of November 1, 2007, it was verified that the office action was a final rejection. A communication that the request for continued examination will not be entered because it was improper has been withdrawn. A request for continued examination under 37 CFR 1.114 on March 3, 2008, including the fee set forth in 37 CFR 1.17(e), filed in this application after final rejection has been entered. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Response to Arguments

2. Applicant's arguments filed March 3, 2008 with respect to claims 19, 23, 31 and 32 and the reference to Begemann et al. have been considered but are moot in view of the new ground(s) of rejection.

Drawings

3. Upon further reviewing the application and the drawing as shown on page 7 of applicant's argument of March 3, 2008, the drawings of September 23, 2004 are objected to because specifically drawing figures 9, 9a, 9b and 9c do not clearly show the features of the invention specified in the claims. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. The isometric partly in section drawing of a portion of figure 9a as presented on page 7 of the argument of March 3, 2008 should be included in the amended drawing for a proper understanding of the disclosed invention.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure

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must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature of "the ring lens in the form of an off axis collimating ring lens" as claimed in claim 33, "the central projection axis of the off axis collimating ring lens disposed at an angle other than 90 degrees to the central axis of the ring lens" as claimed in claim 34 and "the ring lens comprising a rotated section which is parabolic or spherical" as claimed in claim 35 must be shown or the feature(s) canceled from the claim(s). Note that structural details of "the central projection axis disposed at an angle other than 90 degrees, the central axis of the off axis collimating ring lens, and a rotate section which is a parabolic or spherical" that are essential for a proper understanding of the disclosed invention must be shown and labeled in the drawings. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawing figure 9B is objected to as failing to comply with 37 CFR 1.84(p)(5) because it does not include the reference sign (CI) as mentioned on line 1 of the third full paragraph of page 10 in the description. Also, the drawing figure below drawing figure 9B of September 23, 2004 does not include a figure number such as "9C".

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Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The specification is objected to as failing to provide proper antecedent support for the claimed subject matter. The specification fails to describe and provide clear antecedent support for "the ring lens in the form of an off axis collimating ring lens, the central projection axis of the off axis collimating ring lens disposed at an angle other than 90 degrees to the central axis of the ring lens, and the ring lens comprising a rotated section which is parabolic or spherical". See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of is required.

Claim Objections

7. Claims 23 to 27, 30, 34 and 35 are objected to because of the following formalities: In claim 23, upon further reviewing the drawing figures 9, 9a, 9b and the application as well as in light of the drawing figure as presented in the argument response of March 3, 2008, the language in this claim is misdescriptive and inaccurate. It is suggested that the language in this claim be changed to --wherein the ring lenses surrounding the corresponding LED are comprised of a first and second canted portion respectively projecting a first and second canted radial beam, each at an angle to the plane on which the LEDs are arranged--. Claims 24 to 27 and 30 depend on objected claim 23 and as such are also objected. In claim 34, there are no clear antecedent bases for "the central projection axis" and "the central axis". Claim 35 depends on objected claim 34 and as such is also objected. Appropriate correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 19, 23, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller.

Muller discloses multiple light emitting elements (20, 21, 22) arranged on a plane in a geometric pattern, a plurality of ring lenses (each ring lens corresponding to each light emitting element and comprised of 23, 24, 25, 26, 27, 28), at least a portion (23 or 24 or 25 or 26 or 27 or 28) of each ring lens at least partially surrounding a corresponding light emitting element, a portion (24 or 25 or 27 or 28) of each ring lens being canted in section (figures 3, 7) for providing a canted radial beam at an angle to the plane on which the light emitting elements are arranged (figure 4, the radial beams are not perfectly straight or parallel to the plane, the radial beams as shown are canted at an angle to the plane), the ring lenses surrounding the light emitting elements comprised of a first (one of 23, 24, 25, 26, 27, 28) and second (one of 23, 24, 25, 26, 27, 28) canted sections respectively projecting a first and second canted radial beam, and each at an angle to the plane on which the light emitting elements are arranged (figure 4, the radial beams are not perfectly straight or parallel to the plane, the radial beams as shown are canted at an angle to the plane). However, Muller does not disclose that the light emitting elements are light emitting diodes.

Note that it is known that incandescent and light emitting diode light sources are interchangeable or can also be used in combination. It would have been obvious to one skilled in the art to which the subject matter pertains to use the light emitting diodes in place of the light emitting sources of Muller to not only enhance reliability and longevity of the light sources but also to reduce power consumption.

10. Claims 20 to 22 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 24 to 27, 30, 34 and 35 would be allowable if rewritten to overcome the objection set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Monday to Thursday from 8:30 am to 2:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service 571-272-2815.

Y. Q.
March 20, 2008

/Y M. Lee/
Primary Examiner, Art Unit 2885